



Anne Hedges
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To: Richard Long/P2/R8/USEPA/US@EPA
cc:
Subject: North Dakota Increment violations

July 1, 2003

Richard Long
Environmental Protection Agency
Region 8
999 18th St. #500
Denver, CO 80202

Sent via email to: long.richard@epa.gov

Dear Dick:

The Montana Environmental Information Center has been an advocate for clean air in Montana for the past 30 years. It has been a difficult task to interpret and enforce the Clean Air Act and to protect Class I airsheds from sources in Montana. It is extremely frustrating when impacts to Montana's Class I airsheds are caused by sources in other states.

We are concerned that North Dakota has known for years about increment violations for SO₂ from North Dakota sources in areas of North Dakota as well as the Medicine Lakes area and the Fort Peck Indian Reservation. These violations should be resolved immediately in favor of protecting Class I airsheds. EPA has already clearly determined that there are increment violations and that it does not agree with the post-hoc rationalization approach used by North Dakota to discount the existing violations.

It is well past time for EPA to take aggressive action and resolve this issue by requiring North Dakota to resolve these violations. Considering that North Dakota is not implementing the PSD program but instead using tricks that violate EPA regulation, policy and the very intent of the Clean Air Act, EPA should take back the North Dakota PSD program and implement a Federal Implementation Plan. It should take this step immediately.

To delay or accept North Dakota's Johnny-come-lately modeling would do nothing more than encourage every other state and business in the country that finds PSD

increment violations in any area to fudge the modeling to get around the clear language and intent of the PSD program. The PSD program is at a critical juncture nationwide. It is time for EPA to stand up for a law that was intended to protect against this very type of situation.

Sincerely,

Anne Hedges
Program Director
Montana Environmental Information Center

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